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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,939	11/03/2003	Hiroyuki Ishida	Q77928	5053
23373	7590	02/24/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,939

Applicant(s)

ISHIDA, HIROYUKI

Examiner

Lee Y Quach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 12, 13 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-11, 14-16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed December 12, 2005 have been fully considered but they are not persuasive. Applicant stated that Chen fails to teach or suggest any particular single "semiconductor light emitting device" with multiple light emitting elements as claimed. This is not found persuasive, Applicant's attention is directed to the light emitting device (81) which is a semiconductor light emitting device, although being referenced as a headlamp device in the reference, because the light emitting elements (84, 94) within the light emitting device are semiconductor light emitting elements, the light emitting device is therefore a semiconductor light emitting device which is the same as what applicant references in the originally disclosed specification, a light emitting device, however, references as a semiconductor light emitting device in the claims. Claim 1 stated that a semiconductor light emitting device comprising at least one semiconductor light emitting element for forming a first illuminating beam and at least one semiconductor light emitting element for forming a second illuminating beam, and Chen shows a semiconductor light emitting device (81) comprising at least one semiconductor light emitting element (84, 84') for forming a first illuminating beam and at least one semiconductor light emitting element (94, 94') for forming a second illuminating beam. Chen therefore indeed teaches or suggests a single semiconductor light emitting device with multiple light emitting elements as claimed. Applicant also stated that Chen fails to teach or suggest "each of the light emitting elements has a horizontally elongated shape extending in a horizontal direction ...". This is not found persuasive. While it is corrected that the light emitting element 84 is a circularly shape, the light emitting element however does have a horizontally elongated shape. Note the portion extending from the left to the right of the circularly shaped light emitting element such as the horizontal diameter portion is indeed a horizontally elongated shape extending in a horizontal direction orthogonal to an optical axis of the light emitting device. Accordingly, Chen teaches or suggests the limitation as claimed in claim 3. Rejection of claims 1 to 3 remains and follows.

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Claim Objections

2. Claims 7 to 11 and 15 to 19 is objected to because of the following formalities: In claim 7, line 8, the term “each of” should be deleted in view of the device lens is referring to the transparent member 20 according to Applicant’s comment in the second paragraph of page 12 of the amendment of December 12, 2005. Also, line 11, the term “are” is incorrect in view of the previous term "each" on the same line. In claim 9, there are no clear antecedent bases for "said high and low beams" and "said optical axis of said light emitting device". Note "an optical axis of said device lens" is recited on the last line of the claim 7. In claim 10, there is no clear antecedent basis for “said optical axis of said light emitting device”. Note "an optical axis of said device lens" is recited on the last line of the claim 7. In claim 16, line 5, there is no clear antecedent basis for “the single optical axis”. In claim 17, line 4, the relationship between "a single lens" and "a lens" as recited on line 3 of claim 1 is missing. Are they the same lens or different lenses? Claims 8, 11, 15, 18 and 19 depend on objected claim 7 and as such are also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 to 3, 12, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (prior art previously cited).

Chen et al. show a vehicle headlamp (figures 7 to 10) comprising a semiconductor light emitting device (81) having at least one semiconductor light emitting element (84, 84') for forming a first illuminating beam such as a high beam (column 7, line 18, column 6, line 60) and at least one semiconductor light emitting element (94, 66) for forming a second illuminating beam such as a low beam (column 7, line 20, column 6, line 61), the illuminating beams being switchable by selectively activating (column 6, lines 41 to 43) selected ones of the light emitting

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elements for forming the first and second illuminating beams, each of the light emitting elements having a horizontally elongated shape (figures 8 to 10) extending in a horizontal direction orthogonal to an optical axis of the light emitting device, a light distribution pattern being formed by expanding a light source image of the light emitting elements in the horizontal direction (figures 7 to 10, the light emitting elements horizontally mounted to provide a light distribution pattern expanding the image of the light emitting elements in a horizontal direction) with an optical system such as a lens (82, 88), the semiconductor light emitting device having a single optical axis (the center optical axis of the device), the at least one semiconductor light emitting element for forming a first illuminating beam and the at least one semiconductor light emitting element for forming a second illuminating beam emitting light along the single optical axis (figures 8 to 10), and the semiconductor light emitting device housing the at least one semiconductor light emitting element for forming the first illuminating beam and the at least one semiconductor light emitting element for forming the second illuminating beam within a single connected volume defined below a single lens (the lens of the optical system).

5. Claims 4 to 6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 7 to 11, 15, 16, 18 and 19 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

7. Claim 20 is allowed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

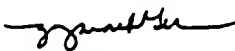
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
February 16, 2006


Y Quach Lee
Primary Examiner
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